

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ANTAWON M. CHAIRS,**

**Defendant.**

**No. 08-30014-DRH**

**MEMORANDUM and ORDER**

**HERNDON, Chief Judge:**

Now before the Court is the Government's November 3, 2008 motion in limine (Doc. 37). A response from Defendant Chairs is not necessary as the law applicable to the Government's requests are clear. Based on the following, the Court **GRANTS** the Government's motion.

First, the Government moves to Court to preclude Defendant from defining or attempting to define reasonable doubt to the jury. The Court **GRANTS** this request. ***See United States v. Bruce*, 109 F.3d 323, 329 (7th Cir. 1997)**("It is well established in this Circuit, however, that neither trial courts nor counsel should attempt to define 'reasonable doubt' for the jury.").

Second, the Government moves the Court to preclude Defendant from arguing any potential sentence to the jury. The Court **GRANTS** this request. ***See***

***Shannon v. United States*, 512 U.S. 573, 579 (1994)**(“when a jury has no sentencing function, it should be admonished to ‘reach its verdict without regard to what sentence might be imposed.’”).

Lastly, the Government moves to preclude the Defendant from presenting any argument or otherwise attempting to suggest the possibility of jury nullification. The Court **GRANTS** this request. ***See United States v. Smith*, 337 F.3d 935, (7th Cir. 2003)**(“A defendant has of course no right to ask the jury to disregard the judge’s instructions(‘jury nullification’).” (citing *Sparf v. United States*, 156 U.S. 51 (1895); *Gibbs v. VanNatta*, 329 F.3d 582, 584 (7th Cir. 2003); *United States v. Bruce*, 109 F.3d 323, 327 (7th Cir. 1997); *United States v. Manning*, 79 F.3d 212, 219 (1st Cir. 1996))).

Accordingly, the Court **GRANTS** the Government’s November 3, 2008 motion in limine (Doc. 37).

**IT IS SO ORDERED.**

Signed this 5th day of November, 2008.

/s/ David R. Herndon

**Chief Judge  
United States District Court**